UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/715,316	AGAPI ET AL.
	Examiner	Art Unit	
	MARTIN LERNER	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 May 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 to 28_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1 to 28_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

1.   In view of the Appeal Brief filed on 09 May 2008, PROSECUTION IS HEREBY

REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, Appellants must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office Action is non-final) or a reply

under 37 CFR 1.113 (if this Office Action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 to 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marx et al. in view of *Zirngibl et al.*

        Concerning independent claims 1, 11, and 20, *Marx et al.* discloses a method,

system, and program instructions used in generating speech application code,

comprising:

        "presenting a [style-]selection menu that allows for selection of one or more catch

[styles], each catch [style] corresponding to a system response to a catch event, the

catch event comprising at least one event in which a user entry is not understood

occurring during a dialog turn, the event being selected from the group consisting of a

user request for help, a non-input entry, and a non-matching entry" – Dialogue Module

templates are provided as pre-packaged modules that can be used to create

applications that have internally consistent software code (column 4, lines 33 to 36);

dialogue modules are stored as graphically represented icons in a graphical display, in

which icons for the subset of dialog modules are selected in the graphical display in

response to user input; the interactive speech application is generated based upon the

graphical representation (column 3, line 66 to column 4, line 15); a system comprises a

plurality of Dialogue Modules, each designed for performing a specific dialogue task

such as outputting a prompt, identifying the caller's speech as a recognized item of a

predefined list, identifying a caller's speech as an affirmative or negative (Yes/No)

response, or identifying strings of characters spelled by the caller (column 6, lines 42 to

48: Figure 4); by providing the interface, the Dialogue Modules 430 allow a developer to

develop a Service 410 without a detailed understanding of the Speech Components,

440, 450, whose functions include outputting prompts to callers and receiving and

processing input speech from callers (column 6, line 64 to column 7, line 3: Figure 4);

Figure 7 shows how dialogue modules are selected from a list of on-screen icons, which

is equivalent to "presenting a . . . selection menu that allows for selection"; each

Dialogue Module performs a discrete task, and includes a value indicating its

termination condition; termination conditions include SUCCESS, indicating a successful

completion of a dialogue task, TIMEOUT, indicating that the caller did not respond

within a predetermined timeout period, and ERROR, indicating that the system could

not recognize the caller's response (column 8, lines 19 to 31); thus, broadly, a "catch

event" corresponds to a termination condition of a TIMEOUT ("a non-input entry") or

ERROR ("a non-matching entry"), where the system could not recognize the user

response within a predetermined timeout period ("at least an event in which a user entry

is not understood occurring during a dialog turn, the event being selected from the

group consisting of . . . a non-input entry, and a non-matching entry"); Dialogue Module

templates include error recovery methods when the Service does not collect a response

from the caller during the timeout period; at least three "styles" of default error recovery

procedures are disclosed: (1) retry by the same method, where a user is prompted

again with the same prompt for a maximum number of times, (2) an apology prompt

method, where a user is prompted with an apology, and prompted to repeat an answer

now, and (3) a fallback method where a user is requested to spell a response or enter

through touch-tone keys (column 13, lines 10 to 67: Figure 6: Steps 640, 650a, and

660); Dialogue Modules are provided in a Baseline Configuration library of default

settings, including standard parameters, which can be customized (column 17, lines 5 to 34: Figure 8);

"upon selection of a catch [style], preparing the system response for each catch [style]" – selecting an error recovery option allows a developer to customize the error recovery parameters within a Dialogue Module instance (column 20, lines 15 to 21: Figure 9); whether a developer selects a Dialogue Module with default parameters, or customizes a Dialogue Module, each configuration parameter causes a change in operation of the dialogue module when the interactive speech program executes (Abstract); implicitly, then, the interactive speech program "prepares the system response" in accordance with the parameters specified by the developer for each error condition ("catch").

Concerning independent claims 1, 11, and 20, the only elements not expressly disclosed by *Marx et al.* are the concepts of "style"-selection and "catch styles". *Marx et al.* discloses a plurality of default templates for error conditions when a user response is not understood, where an error condition is equivalent to a "catch", but omits the concept of a "style" in describing a "catch" and a process of selection. However, it is known in the art of voice services to provide style sheets to create interactive voice services. Specifically, *Zirngibl et al.* teaches a system and method for creation and automatic deployment of personalized dynamic and interactive voice services, where XML (extensible style sheet language) style sheets are provided to create voice services. An objective is to maximum an administrator's voice service building capability. (Column 11, Lines 32 to 49) It would have been obvious to one having

ordinary skill in the art to apply a concept of "style" to selection of "catch styles" as

taught by *Zirngibl et al.* in a Dialogue Module selection method of *Marx et al.* for a

purpose of maximizing an administrator's voice service building capability.

Concerning claims 2, 12, and 21, *Marx et al.* discloses that a Dialogue Module

may be customized by a developer to include content of prompts ("a new audio

message to be played in response to a particular catch event") (column 20, lines 28 to

34: Figure 16); in one embodiment, a prompt can be specified by a filename, but a

prompt may be specified by inputting text ("presenting one or more text fields for

receiving a contextual message, the contextual message entered in each text field") if a

text-to-speech synthesizer is used (column 18, lines 30 to 40; column 20, lines 58 to 63;

column 21, lines 5 to 8).

Concerning claims 3 to 4, 13 to 14, and 22 to 23, *Marx et al.* discloses that

Dialogue Module templates may have a default initial prompt, but may require a custom

initial prompt to be provided by a developer (column 18, lines 40 to 45); if a default

prompt is used to an error condition, then the "contextual message is the same for each

catch event"; however, if a prompt is customized for an error condition, then the

"contextual message is different for each catch event".

Concerning claims 5 and 24, *Marx et al.* discloses that one of the Dialogue

Module templates for error recovery involves replaying a prompt for a number of retries

(column 13, lines 10 to 39: Figure 6: Step 640).

Concerning claims 6, 15, and 25, *Marx et al.* discloses that Error Recovery 950 allows a developer to view and modify error recovery parameters (column 18, lines 1 to 3; column 20, lines 28 to 33: Figure 16).

Concerning claims 7, 16, and 26, *Marx et al.* discloses an ItemList Module 520 can terminate on an ERROR condition 540, and take appropriate termination actions, including to transfer the caller to a live operator (column 9, lines 62 to 65: Figure 5: Step 540); an ItemList Module lets a developer define allowable responses to a caller prompt and return a termination condition ("identifying a final action to be taken") (column 15, line 66 to column 16, line 9); Error Recovery 950 allows a developer to view and modify error recovery parameters (column 18, lines 1 to 3; column 20, lines 28 to 33: Figure 16).

Concerning claims 8 to 10, 17 to 19, and 27 to 29, *Marx et al.* discloses that a developer can customize at least a "timeout" parameter that sets a predetermined time period for the caller to respond after the output of a prompt (column 11, lines 7 to 16); thus, at least customizing a "timeout" period corresponds to "inserting variables in a contextual message"; moreover, a "timeout" parameter defines "pauses of specific duration values" in a message after the prompt, and can "enable acceleration of a system timeout" because a shorter "timeout" period corresponds to an acceleration of an error recovery procedure.

Response to Arguments

4.   Applicants' arguments filed on 09 May 2008 have been considered but are moot in view of the new grounds of rejection. The finality of the rejection is withdrawn, and new grounds of rejection are presented, pursuant to Applicants' Appeal Brief.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Yuschik, Kemble et al., Lavallee et al, Gupta et al., Eberle et al., Galanes et al., Harb et al., and Wyss et al. disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN LERNER whose telephone number is (571)272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
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July 25, 2008